

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GEORGE SCANLAN,

Petitioner,

v.

PATRICK GLEBE,

Respondent.

CASE NO. C13-5631 BHS

ORDER GRANTING
PETITIONER'S MOTION AND
EXTENDING DEADLINE TO
FILE NOTICE OF APPEAL

This matter comes before the Court on Petitioner George Scanlan's ("Scanlan") motion for clarification regarding his notice of appeal (Dkt. 18).

On November 12, 2013, the Honorable J. Richard Creatura, United States Magistrate Judge, issued a Report and Recommendation ("R&R") recommending that the Court dismiss Scanlan's petition as time barred. Dkt. 12. On November 26, 2013, Scanlan filed objections. Dkt. 14. On December 24, 2012, the Court adopted the R&R and dismissed Scanlan's petition. Dkt. 16. On January 23, 2013, Scanlan filed the instant motion requesting, among other things, clarification why the Court did not accept his notice of appeal that he filed with his objections to the R&R. Dkt. 18.

1 Upon review of Scanlan's objections, Scanlan did not file a proper notice of
2 appeal. Instead, he requested that the Court accept his objections as a notice of appeal if
3 the Court dismissed his petition. *See* Dkt. 14 at 5. This is an improper notice of appeal,
4 and the deadline for filing a proper notice of appeal has passed. The Court, however,
5 may grant a one-time extension of fourteen (14) days from the date of this order for
6 petitioner to file a proper notice of appeal. Fed. R. App. P. 4(a)(5). The Court will
7 consider Scanlan's motion as a motion for an extension of time that was timely filed.
8 Therefore, the Court **GRANTS** Scanlan's motion and extends the period of time for
9 Scanlan to file a notice of appeal for fourteen (14) days after the date of this order.

10 **IT IS SO ORDERED.**

11 Dated this 25th day of February, 2014.

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14 BENJAMIN H. SETTLE
15 United States District Judge
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